%23.07.2007.

Present: Mr. V. K. Tandon for the petitioner.
None for the respondent.

+ **WP(C) No.5314/2007**
*

We have heard learned counsel for the petitioner.

After trial, the respondent was acquitted of charges under the Prevention of Corruption Act, 1988 by the Special Judge, Delhi, on 16.9.2003. Thereafter, the Deputy Commissioner of Police (Security), New Delhi, issued a notice to the respondent to show cause why his conduct should not be censured. This notice was issued to the respondent under Rule 12 of the Delhi Police (Punishment and Appeal) Rules. Ultimately, on considering the respondent's reply thereto, and in their wisdom, the show cause notice of censure was withdrawn on 5.3.2005. However, on the same day, the Disciplinary Authority issued another order directing that the period of suspension of the respondent from 18.7.1996 to 19.3.1998 would be treated as a period not spent on duty on the principle of "no work, no pay".

By its order dated 26.2.2007, which is impugned before us, the learned Tribunal has come to the conclusion that once the respondent has been acquitted after a trial, and thereafter even the show cause notice of censure issued to the respondent was withdrawn by the petitioner, the respondent was given a clean chit. It has also noted that although it was open to the disciplinary authority to treat the period of suspension as not on duty, however, before doing so, the

Signature Not Verified

Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

requirements of FR 54B, including the issuance of the requisite notice to show cause, had to be satisfied. This has clearly not been done.

At this stage, learned counsel states that liberty be given to him to initiate proceedings under FR 54B. Considering the facts and circumstances as noted above, specially when a conscious decision has been taken to withdraw even the censure notice, we are not inclined to do so.

Under the circumstances, the aforesaid writ petition is dismissed.

Mahmohan Sarin, J.

Sudershan Kumar Misra, J.

July 23, 2007
OPN.